

## Message Text

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17

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15 IO-10

ACDA-05 SAJ-01 NIC-01 NSCE-00 SSO-00 USIE-00 INRE-00

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 6293

INFO USMISSION USBERLIN

USMISSION NATO BRUSSELS

AMEMBASSY BERLIN

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY LONDON

C O N F I D E N T I A L BONN 17889

E.O. 11652: GDS S

TAGS: PFOR, WB, US, UK, UR, FR, GW

SUBJECT: RESPONSE TO SOVIET PROTEST ON TAKEOVER IN  
BERLIN OF LAW ON INNER GERMAN LEGAL ASSISTANCE

REF: A) STATE 249756

B) BONN 17653

C) MOSCOW 16370

1. IN NOV 14 BOHN GROUP MEETING OTHER REPS AGREED AD  
REF TO DEPARTMENT'S PROPOSAL CONTAINED REFTEL A. AD REF  
AGREEMENT ALSO REACHED ON ADDITIONAL FOLLOWING  
CHANGES TO TEXT REFTEL B.

(A) DROP "IN THE WSB" FROM PARA A WHICH WOULD THEN  
READ: IN 1951 THE THREE WESTERN POWERS, IN EXER-  
CISE OF THEIR SUPREME AUTHORITY, APPROVED THE ENTRY  
INTO FORCE IN BERLIN OF A LAW ENACTED BY THE BERLIN  
HOUSE OF REPRESENTATIVES WHICH ESTABLISHED THE

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COMPETENCE OF THE BUNDESGERICHTSHOF TO DEAL WITH

BERLIN CASES.

(B) SHORTEN PARA E. TO READ: IN ACCORDANCE WITH ITS LONG-STANDING PRACTICE THE THREE POWERS, WHEN AUTHORISING THE ADOPTION IN BERLIN OF THE PRESENT AMENDMENT TO THE 1953 LAW, ENSURED THAT IT WOULD BE APPLIED IN SUCH A WAY THAT IT WOULD NOT AFFECT THEIR SUPREME AUTHORITY. IN PARTICULAR, THE ALLIED KOMMANDATURA RESERVED ITS RIGHT TO TAKE WHATEVER MEASURES IT DEEMED NECESSARY SHOULD ANY DECISION OF THE BUNDESGERICHTSHOF UNDER THE PROVISIONS OF THE PRESENT AMENDMENT NOT BE IN ACCORDANCE WITH ALLIED ORDERS AND DIRECTIVES.

(C) DELETE "COULD" FROM PARA F AND CHANGE "PERFORM" TO "PERFORMS" WITH PARA READING: IT IS THEREFORE INCORRECT TO ASSERT THAT THE BUNDESGERICHTSHOF, ACTING UNDER THE PROVISIONS OF THE PRESENT AMENDMENT TO THE 1953 LAW AND OTHER BERLIN LAWS WHICH CONCERN ITS COMPETENCE, PERFORMS ACTS IN THE EXERCISE OF DIRECT STATE AUTHORITY OVER THE WSB.

2. RECOMMEND DEPARTMENT AGREE TO AMENDED TEXT.  
HILLENBRAND

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## Message Attributes

**Automatic Decaptioning:** X  
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